

EIGHTH DAY.

Senate Chamber,
Austin, Texas, Sept. 7, 1932.

The Senate met at 10 o'clock a. m. pursuant to adjournment, and was called to order by Lieutenant Governor Edgar E. Witt.

The roll was called, a quorum being present, the following Senators answering to their names:

Beck.	Oneal.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Poage.
Gainer.	Pollard.
Greer.	Purl.
Hardin.	Rawlings.
Holbrook.	Russek.
Hopkins.	Small.
Hornsby.	Stevenson.
Loy.	Thomason.
Martin.	Williamson.
Moore.	Woodruff.
Neal.	Woodul.

Absent—Excused.

Woodward.

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Gainer.

Committee Reports.

(See Appendix.)

Bills and Resolutions.

By Senator Poage:

S. B. No. 21, A bill to be entitled "An Act providing for the payment of the annual interest and sinking fund accruing on bonds issued for the construction of lateral and local public roads out of the portion of registration fees on motor vehicles now accruing to the various counties and retained under existing laws, and declaring an emergency."

Read and referred to Committee on State Affairs.

By Senator Greer:

S. B. No. 22, A bill to be entitled "An Act to authorize the State Department of Education to pay out of the Rural Aid Appropriation for the school year of 1932-33 an amount not to exceed fifty thousand dollars for the payment of unpaid claims for the school year of 1931-32 out of

the rural aid appropriation as provided in S. B. No. 263, Forty-second Legislature, Regular Session and providing for the reverting of any unused portion of said sum to the appropriation for the school year of 1932-33; repealing all laws in conflict herewith and declaring an emergency."

Read and referred to Committee on Educational Affairs.

By Senator Pollard:

S. B. No. 23, A bill to be entitled "An Act creating the Special District Court of Upshur County and Smith County, Texas, prescribing its jurisdiction, limiting its existence, fixing its terms; providing for the appointment of a Judge thereof, fixing his compensation, making an appropriation for the same, prescribing his powers and duties; providing for the transfer of cases from the Seventh Judicial District Court to said Special District Court and from said Special District Court to the Court of the Seventh Judicial District; providing for the District Clerks of Upshur and Smith counties and their successors in office to be the Clerks for said Special District Court in their respective counties; providing that the district attorney of the Seventh Judicial District shall represent the State in said Special District Court, and making it the duty of the County Attorneys of Upshur and Smith counties to represent the State without extra compensation in said Special District Court in their respective counties in the absence of the District attorney or when he is for any reason unable to do so; providing a seal for said Special District Court; providing that if any section of this Act be held unconstitutional or invalid for any reason, the same shall not impair or affect the remaining sections or provisions; and declaring an emergency."

Read and referred to Committee on Judicial Districts.

By Senator Cousins:

S. B. No. 24, A bill to be entitled "An Act validating all the proceedings had and taken in the organization of conservation and reclamation districts organized under the provisions of Chapter 8, Title 128, Revised Statutes of 1925, and Chapter 6, Title 128, Revised Statutes of 1925, under Section 59, Article 16, of the Constitution of Texas;

validating the manner in which taxes and assessments for taxation should or shall be made, levied and collected; validating the issuance of bonds of such districts and the appointment and qualification of officers and supervisors thereof; authorizing the submission of the several purposes for which bonds may be issued as a single proposition; and providing that bonds to be retired and refunded may have been issued by a navigation district embracing the same territory; and validating all bonds which have heretofore been voted as a single proposition for the several purposes authorized herein when said bonds have been examined and approved by the Attorney General of the State of Texas; and declaring an emergency."

Read and referred to Committee in Mining, Irrigation and Drainage.

By Senator Small:

S. B. No. 25, A bill to be entitled "An Act amending article 5326, Revised Civil Statutes, providing that the failure to pay any portion of the interest on the unpaid purchase money of lands sold by the State shall subject the sale of said land to forfeiture; providing where such sale is forfeited for the resale of said land, the terms and conditions of such resale, and giving a preference right to the person owning the land at the time the sale was forfeited to repurchase the same within one year after the date of forfeiture, for an amount equal to the sale price that was forfeited plus all accrued interest; providing that where the forfeited sale was on a mineral classification that the resale shall reserve to the State and to the fund to which the land belongs a one-sixteenth free royalty interest in all minerals in the land, and declaring an emergency."

Read and referred to Committee on Public Lands and Land Office.

By Senator Small:

S. B. No. 26, A bill to be entitled "An Act confirming and validating repurchases of public free school and asylum lands by forfeited land owners heretofore made under Chapter 94, page 267, Acts of 1925, and Chapter 25, page 43, Acts of First Called Session of the Thirty-ninth Legislature of 1926; defining the rights of the State and the repurchasing land owners in respect to

the ownership of the oil and gas and other minerals therein; and providing that oil and gas leases heretofore or hereafter executed by the repurchasing land owners on any lands repurchased under said Acts with a one-sixteenth reservation of oil and gas in favor of the State shall be validated and that the lessee under such leases shall pay to the State a free royalty equal to one-sixteenth of the value of the oil and gas that may be produced and saved from said lands and that no further liability, obligation or payment shall be due to the State from the repurchasing land owners or their lessees or assignees on account of the State's one-sixteenth interest in the oil and gas; and providing how such royalty payments shall be made; and further providing that where the prior forfeiture sales were made without mineral reservation, the repurchase contracts made under said Repurchase Acts shall be deemed to have been made without mineral reservation in favor of the State; and declaring an emergency."

Read and referred to Committee on Public Lands and Land Office.

By Senator Small:

S. B. No. 27, A bill to be entitled "An Act requiring the Land Commissioner to ascertain and determine the amounts of bonus and rental money due the State and by whom due under the operation, terms and conditions of Chapter 81, printed Acts of the Second Called Session of the Thirty-sixth Legislature and the amendment thereof by the First Called Session of the Thirty-seventh Legislature, which Acts are generally referred to as the Relinquishment Act, authorizing the Land Commissioner to settle and compromise such debts with the debtors on the basis of actual amounts found due less all just and lawful credits; providing the terms and conditions by which the debtor to the State shall pay the amount found by the Land Commissioner to be due, or that may be determined to be due by the judgment of a court; providing that the finding of the Land Commissioner shall be final against the debtor when accepted by him; providing for the making of a statement in writing by the Land Commissioner to the Attorney General of the facts found by him in each case; authorizing the

Attorney General to bring suit for the collection of the amount found to be due the State and when in the judgment of the Attorney General the State is entitled to a larger amount than that found by the Land Commissioner, to sue for such larger amount, fixing the venue of all suits for the recovery of bonus and rental money due the State; providing that no suit may be maintained by the State for the collection of any bonus or rental money except as in this Act provided, and that suit may not be maintained for a larger amount than that found to be due by the Land Commissioner after one year from the date of the Land Commissioners' written statement to the Attorney General, and that no suit for the collection of such debts may be maintained unless instituted within two years from the date this Act becomes effective; providing that the terms and provisions of this Act shall not apply to any indebtedness due the State for bonus or rental money under the Relinquishment Act which has accrued or may accrue subsequent to the 24th day of February, 1932; and that nothing in this Act shall be construed to affect or change the existing rights and obligations between the land owners and lessees as to such accrued indebtedness; the finding of certain facts by the Legislature; defining the terms used in this Act; providing that if any portion of this Act ever be held to be unconstitutional such holding shall not affect the remaining portions of this Act; and declaring an emergency."

Read and referred to Committee on Public Lands and Land Office.

H. J. R. No. 1.

The Chair laid before the Senate on its second reading the following resolution:

H. J. R. No. 1, Ratifying an amendment to the Constitution of the United States of America passed by the Seventy-second Congress of the United States of America at its First Session, begun and held at the city of Washington on Monday, the 7th day of December, 1931, which amendment, in substance, provides and fixes the commencement of the terms of President and Vice-President and members of Congress and fixes the time of the assembling of Congress, and that said amendment

shall take effect on the 15th day of October following its ratification; and providing further that this article shall be inoperative unless it shall have been ratified as an amendment to the Constitution within seven years from the date of submission to the states by Congress.

The resolution was read second time and passed to third reading.

On motion of Senator Holbrook the constitutional rule requiring bills to be read on three several days was suspended and H. J. R. No. 1 was put on its third reading and final passage, by the following vote:

Yeas—27.

Beck.	Parrish.
Berkeley.	Patton.
Cousins.	Poage.
Gainer.	Pollard.
Greer.	Purl.
Hardin.	Rawlings.
Holbrook.	Russek.
Hopkins.	Small.
Hornsby.	Stevenson.
Martin.	Thomason.
Moore.	Williamson.
Neal.	Woodruff.
Oneal.	Woodul.
Parr.	

Absent.

Cunningham.	Loy.
DeBerry.	Woodward.

Read third time and finally passed by the following vote:

Yeas—27.

Beck.	Parrish.
Berkeley.	Patton.
DeBerry.	Poage.
Gainer.	Pollard.
Greer.	Purl.
Hardin.	Rawlings.
Holbrook.	Russek.
Hopkins.	Small.
Hornsby.	Stevenson.
Martin.	Thomason.
Moore.	Williamson.
Neal.	Woodruff.
Oneal.	Woodul.
Parr.	

Absent.

Cousins.	Loy.
Cunningham.	

Absent—Excused.

Woodward.

H. C. R. No. 7.

The Chair laid before the Senate:
H. C. R. No. 7, Relating to pay-
ment of soldiers' bonus.

The resolution was read.

Senator Purl moved to refer the
resolution to the Committee on Fed-
eral Relations.

Senator Pollard moved as a sub-
stitute that the resolution do pass.

Senator Purl raised the point of
order that his motion had prece-
dence over the substitute motion
(Rule 51).

The Chair, Lieutenant Governor
Edgar E. Witt, held that this rule
did not apply because only one mo-
tion to refer was pending, and
further held that the adoption of the
substitute motion would not consti-
tute adoption of the resolution but
would simply place it before the Sen-
ate for immediate consideration.

The Chair, Lieutenant Governor
Edgar E. Witt, later held that on
further consideration he considered
the substitute motion out of order.

Senator Purl withdrew his origi-
nal motion and moved to refer the
resolution to the Committee on State
Affairs.

Senator Pollard moved to table
the motion to refer. The motion to
table prevailed by the following
vote:

Yeas—18.

Beck.	Parr.
Berkeley.	Parrish.
Gainer.	Patton.
Greer.	Pollard.
Hardin.	Russek.
Hornsby.	Stevenson.
Loy.	Thomason.
Moore.	Williamson.
Neal.	Woodruff.

Nays—8.

Cousins.	Poage.
DeBerry.	Purl.
Holbrook.	Small.
Martin.	Woodul.

Absent.

Cunningham.	Oneal.
Hopkins.	Rawlings.

Absent—Excused.

Woodward.

Senator Martin sent up the follow-
ing amendment:

Amend H. C. R. No. 7 by adding
after the word "To" in line 4 of the
resolving part the words "Consider
the advisability of" and change the
word "Vote" to "Voting" and the
word "Work" to the word "Work-
ing."

MARTIN.

The amendment was read.

On motion of Senator Pollard, the
amendment was tabled.

Senator Martin sent up the follow-
ing amendment:

Amend H. C. R. No. 7 by adding
after the word "And" at the end of
the first paragraph of the resolving
part of same, the following: "Said
payment to be made by script issued
by the United States, made legal
tender for all debts owed in the
United States, but same shall not be
redeemable in coin at any time by
the United States and that said script
not bear interest."

MARTIN.

The amendment was read.

On motion of Senator Pollard, the
amendment was tabled.

Senator Purl asked that, as a part
of his remarks, the Secretary of the
Senate read the Patman Bonus Bill.

Senator Stevenson raised the point
of order that reading of this bill was
out of order because the resolution
did not specify this particular bill
but simply asked for some bonus
legislation.

The Chair, Lieutenant Governor
Edgar E. Witt, overruled the point
of order, holding that Senator Purl
had a right to read the bill as a part
of his remarks and it was his privi-
lege to ask the Secretary of the Sen-
ate to read the bill instead of read-
ing it himself.

Senator Purl moved to postpone
indefinitely further consideration of
this resolution.

Senator Pollard moved to table
the motion to indefinitely postpone.
The motion to table prevailed.

The resolution was adopted by the
following vote:

Yeas—21.

Beck.	Loy.
Berkeley.	Moore.
DeBerry.	Neal.
Gainer.	Oneal.
Greer.	Parr.
Hardin.	Parrish.
Hornsby.	Patton.

Poage.
Pollard.
Small.
Stevenson.

Thomason.
Williamson.
Woodruff.

Nays—6.

Cousins.
Holbrook.
Hopkins.

Martin.
Purl.
Woodul.

Absent.

Cunningham.
Rawlings.

Russek.

Absent—Excused.

Woodward.

Message From the Governor.

Executive Office,

Austin, Texas, Sept. 7, 1932.

To the Members of the Forty-second Legislature:

I hereby hand you for your consideration the attached bills captioned as follows:

1. An Act to authorize the State Department of Education to pay out of the Rural Aid Appropriation for the school year of 1932-33 an amount not to exceed fifty thousand dollars for the payment of unpaid claims for the school year of 1931-32 out of the rural aid appropriation as provided in Senate Bill 263, Forty-second Legislature, Regular Session, and providing for the reverting of any unused portion of said sum to the appropriation for the school year of 1932-33; repealing all laws in conflict herewith and declaring an emergency.

2. An Act requiring the Land Commissioner to ascertain and determine the amounts of bonus and rental money due the State and by whom due under the operation, terms and conditions of Chapter 81, printed Acts of the Second Called Session of the Thirty-sixth Legislature and the amendment thereof by the First Called Session of the Thirty-seventh Legislature, which Acts are generally referred to as the Relinquishment Act, authorizing the Land Commissioner to settle and compromise such debts with the debtors on the basis of actual amounts found due less all just and lawful credits; providing the terms and conditions by which the debtor to the State shall pay the amount found by the Land Commissioner

to be due, or that may be determined to be due by the judgment of a court; providing that the finding of the Land Commissioner shall be final against the debtor when accepted by him; providing for the making of a statement in writing by the Land Commissioner to the Attorney General of the facts found by him in each case; authorizing the Attorney General to bring suit for the collection of the amount found to be due the State and when in the judgment of the Attorney General the State is entitled to a larger amount than that found by the Land Commissioner, to sue for such larger amount, fixing the venue of all suits for the recovery of bonus and rental money due the State; providing that no suit may be maintained by the State for the collection of any bonus or rental money except as in this Act provided; and that suit may not be maintained for a larger amount than that found to be due by the Land Commissioner after one year from the date of the Land Commissioner's written statement to the Attorney General, and that no suit for the collection of such debts may be maintained unless instituted within two years from the date this act becomes effective; providing that the terms and provisions of this Act shall not apply to any indebtedness due the State for bonus or rental money under the relinquishment act which has accrued or may accrue subsequent to the 24th day of February, 1932; and that nothing in this act shall be construed to affect or change the existing rights and obligations between the land owners and lessees as to such accrued indebtedness; the finding of certain facts by the Legislature; defining the terms used in this Act; providing that if any portion of this act ever be held to be unconstitutional such holding shall not affect the remaining portions of this Act; and declaring an emergency.

3. An Act confirming and validating repurchases of public free school and asylum lands by forfeited land owners heretofore made under Chapter 94, page 267, Acts of 1925, and Chapter 25, page 43, Acts of the First Called Session of the 39th Legislature of 1926; defining the rights of the State and the repurchasing land owners in respect to

the ownership of the oil and gas and other minerals therein; and providing that oil and gas leases heretofore or hereafter executed by the repurchasing land owners on any lands repurchased under said Acts with a one-sixteenth reservation of oil and gas in favor of the State shall be validated and that the lessees under such leases shall pay to the State a free royalty equal to one-sixteenth of the value of the oil and gas that may be produced and saved from said lands and that no further liability, obligation or payment shall be due to the State from the repurchasing land owners or their lessees or assignees on account of the State's one-sixteenth interest in the oil and gas; and providing how such royalty payments shall be made; and further providing that where the prior forfeited sales were made without mineral reservation, the repurchase contracts made under said Repurchase Acts shall be deemed to have been made without mineral reservation in favor of the State; and declaring an emergency.

4. An Act amending Article 5326 Revised Civil Statutes, providing that the failure to pay any portion of the interest of the unpaid purchase money of lands sold by the State shall subject the sale of said land to forfeiture; providing where such sale is forfeited for the resale of said land, the terms and conditions of such resale, and giving a preference right to the person owning the land at the time the sale was forfeited to repurchase the same within one year after the date of forfeiture, for an amount equal to the sale price that was forfeited plus all accrued interest; providing that where the forfeited sale was on a mineral classification that the resale shall reserve to the State and to the fund to which the land belongs, a one-sixteenth free royalty interest in all minerals in the land, and declaring an emergency.

5. An Act for the relief of Water Improvement Districts and Water Control and Improvement Districts and declaring and providing for such districts the power to make contracts with, sell securities to, and borrow money from, the Reconstruction Finance Corporation, and defining the terms and condi-

tions upon which and the manner in which said powers may be exercised, and providing the purpose for which the money so borrowed may be expended, and providing how and in what manner the repayment of such borrowed money may be secured out of certain income and revenues of such districts, and providing certain rights and remedies for the enforcement of such security, and for said purposes created the "Loan Fund Charge," and providing for the proceeds of said Loan Fund Charge to be kept in a separate fund to be known as the "Loan Fund" to be used and disbursed for no other purpose than to pay the principal and interest of the money borrowed, and providing that the action of the Board of Directors of the district in fixing the Loan Fund Charge and in fixing the total annual charges or assessments for maintenance and operation purposes shall not be reviewable by the State Board of Water Engineers, and providing that such borrowed money may be secured by pledging all or any part of certain present and future income of such districts and by pledging upon certain terms and conditions unsold bonds of such districts theretofore authorized by such districts for the purpose for which said monies are borrowed, and providing that any such district may secure the payment of any such borrowed money by all or any of the means provided in this Act, and providing that all powers conferred in this Act are in addition to and cumulative of existing powers possessed by such districts, and providing the manner in which such powers may be exercised by the Board of Directors of such districts and declaring an emergency.

6. An Act for the relief of Water Improvement Districts and Water Control and Improvement Districts, and empowering such districts without an election to refund outstanding bonded indebtedness including matured and unpaid interest coupons and accrued interest, and prescribing the manner in which and the terms and conditions upon which same may be refunded, and prescribing the duties and functions of the Attorney General and Comptroller of the State in connection

with such refunding; and providing for the manner in which, and the terms and conditions upon which such districts may cancel all, or any part, of such unsold bonds heretofore authorized by such districts; and providing for the manner in which and the terms and conditions upon which said districts in certain contingencies and emergencies may borrow money for certain purposes and prescribing how the indebtedness for such borrowed money may be evidenced and secured, and authorizing such district for such borrowed money to create and pledge out of its income and revenues by creating and pledging the "Emergency Loan Fund Charge," and defining said charge, and prescribing what shall be done with the proceeds of the collection of such charge; and providing that such charge when fixed by the Board of Directors of such district shall not be reviewable by the State Board of Water Engineers; and providing that such district may also pledge all or any part of its present or future income accruing from certain sources to secure repayment of said borrowed money; and prescribing the terms, conditions, and circumstances under which any such district may borrow money for improvements, repairs, replacements, extensions, betterments, or additions; and prescribing how and in what manner the repayment of such borrowed money may be secured, and creating and authorizing the pledge of the "Improvement Loan Charge," and defining said charge and prescribing what disposition shall be made of the proceeds of such charge; and prescribing the terms and conditions upon which such district may pledge certain of its unsold bonds to secure the repayment of said borrowed money; and the application of the proceeds of the sale of any such impounded bonds; and providing that any such district may secure the payment of any such borrowed money by any or all of the means provided in the Act, and that all powers conferred in the Act are cumulative; and providing how such powers may be exercised by the

Board of Directors of any such district; and providing that any such district may exchange any unsold authorized bonds on hand, par for par, for any other bonds of the same issue theretofore sold or disposed of by such district; and that all bonds so received in exchange shall be subject to sale or other disposition; and declaring an emergency.

Respectfully submitted,

R. S. STERLING,
Governor.

Senate Bill No. 4.

The Chair laid before the Senate on its second reading the following bill:

By Senators Poage and Cunningham:

S. B. No. 4, A bill to be entitled "An Act declaring a State policy of payment for the use of roads used as part of the State highway system; providing that the State shall pay in behalf of counties and/or road districts, certain maturity of certain bonds; declaring that such payments shall not be for the benefit of bondholders and that the State does not assume any bonds; providing the method of determination of the amounts expended by counties and/or road districts and the method of paying such amounts; providing certain duties of certain officers; defining 'bonds' and declaring an emergency."

Read second time.

The committee substitute was adopted.

Recess.

On motion of Senator Greer, the Senate, at 11:57 o'clock a. m., recessed until 2:30 o'clock p. m.

After Recess.

The Senate met at 2:30 o'clock p. m., pursuant to recess, and was called to order by Lieutenant Governor Edgar E. Witt.

Message From the House.

Hall of the House of Representatives,
Austin, Texas, Sept. 7, 1932.
Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

H. B. No. 2, A bill to be entitled "An Act providing for the allocation

of the occupation taxes levied and collected under Chapter 88, Acts of the Second Called Session, Forty-first Legislature, and Chapter 98, Acts of the Regular Session, Forty-second Legislature; providing the manner of distribution; providing that such moneys that are transferred to the counties shall be taken into consideration in fixing the tax rate of such counties; making an appropriation of the sum of six million dollars or so much thereof as may be necessary out of the State Highway, etc."

Respectfully submitted,
LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

House Bill Referred.

H. B. No. 2, referred to Committee on State Highways and Motor Traffic.

Senate Bill No. 4.

The question recurred upon S. B. No. 4.

The bill was read second time and passed to engrossment.

On motion of Senator Poage the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 4 was put on its third reading and final passage, by the following vote:

Yeas—29.

Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Poage.
Gainer.	Pollard.
Greer.	Purl.
Hardin.	Rawlings.
Holbrook.	Russek.
Hopkins.	Small.
Hornsby.	Stevenson.
Loy.	Thomason.
Martin.	Williamson.
Moore.	Woodruff.
Neal.	Woodul.
Oneal.	

Absent—Excused.

Beck. Woodward.

Read third time and finally passed by the following vote:

Yeas—29.

Berkeley.	Cunningham.
Cousins.	DeBerry.

Gainer.	Patton.
Greer.	Poage.
Hardin.	Pollard.
Holbrook.	Purl.
Hopkins.	Rawlings.
Hornsby.	Russek.
Loy.	Small.
Martin.	Stevenson.
Moore.	Thomason.
Neal.	Williamson.
Oneal.	Woodruff.
Parr.	Woodul.
Parrish.	

Absent—Excused.

Beck. Woodward.

Senate Bill No. 11.

The Chair laid before the Senate in its second reading the following bill:

By Senator Holbrook:

S. B. No. 11, A bill to be entitled "An Act providing relief for the West Columbia Independent School District, Brazoria County, Texas, in order to aid said school district in rebuilding its property and equipment destroyed by the great hurricane which swept over the district on August 13, 1932; making an appropriation to said district for said purpose and declaring an emergency."

The bill was read second time and passed to engrossment.

On motion of Senator Holbrook the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 11 was put on its third reading and final passage, by the following vote:

Yeas—29.

Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Poage.
Gainer.	Pollard.
Greer.	Purl.
Hardin.	Rawlings.
Holbrook.	Russek.
Hopkins.	Small.
Hornsby.	Stevenson.
Loy.	Thomason.
Martin.	Williamson.
Moore.	Woodruff.
Neal.	Woodul.
Oneal.	

Absent—Excused.

Beck. Woodward.

Read third time and finally passed
by the following vote:

Yeas—22.

Berkeley.	Parr.
Cousins.	Parrish.
Gainer.	Patton.
Greer.	Pollard.
Hardin.	Russek.
Holbrook.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Martin.	Williamson.
Moore.	Woodruff.
Neal.	Woodul.

Nays—6.

Cunningham.	Oneal.
DeBerry.	Poage.
Loy.	Rawlings.

Absent.

Purl.

Absent—Excused.

Beck. Woodward.

Senate Bill No. 12.

The Chair laid before the Senate
on its second reading the following
bill:

By Senator Holbrook:

S. B. No. 12, A bill to be entitled
"An Act providing relief for the
Brazoria Independent School District
of Brazoria County, Texas, in order
to aid said school district in rebuild-
ing and repairing its schools de-
stroyed by the hurricane which cov-
ered the territory in which this dis-
trict is located on August 13, 1932;
making an appropriation to aid said
district for said purpose and declar-
ing an emergency."

The bill was read second time and
passed to engrossment.

On motion of Senator Holbrook
the constitutional rule requiring bills
to be read on three several days was
suspended and S. B. No. 12 was put
on its third reading and final pas-
sage, by the following vote:

Yeas—29.

Berkeley.	Holbrook.
Cousins.	Hopkins.
Cunningham.	Hornsby.
DeBerry.	Loy.
Gainer.	Martin.
Greer.	Moore.
Hardin.	Neal.

Oneal.	Russek.
Parr.	Small.
Parrish.	Stevenson.
Patton.	Thomason.
Poage.	Williamson.
Pollard.	Woodruff.
Purl.	Woodul.
Rawlings.	

Absent—Excused.

Beck. Woodward.

Read third time and finally passed
by the following vote:

Yeas—22.

Berkeley.	Parr.
Cousins.	Parrish.
Gainer.	Patton.
Greer.	Pollard.
Hardin.	Russek.
Holbrook.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Martin.	Williamson.
Moore.	Woodruff.
Neal.	Woodul.

Nays—6.

Cunningham.	Oneal.
DeBerry.	Poage.
Loy.	Rawlings.

Absent.

Purl.

Absent—Excused.

Beck. Woodward.

Senate Bill No. 16.

The Chair laid before the Senate
on its second reading the following
bill:

By Senator Berkeley:

S. B. No. 16, A bill to be entitled
"An Act to enable water control and
improvement districts operating un-
der Chapter 25, Acts of the Regular
Session of the Thirty-ninth Legisla-
ture, and amendments thereof, hav-
ing gravity systems of irrigation and
income from sale of water for gen-
eration of hydro-electric power un-
der written contract covering a term
of thirty-nine or more years, to cre-
ate a self-liquidating fund for the
purpose of liquidating bonds of such
district and paying interest thereon
and fiscal agency fees therefor, by
allocating and appropriating such
power income for such purpose; also,
to authorize such districts to assess

and collect annually against lands made irrigable by gravity, whether actually irrigated or not, special assessments of not to exceed five dollars per acre, for the purpose of supplementing such self-liquidating fund for liquidation of bonds and paying interest thereon; prescribing procedure of adopting the provisions of this Act and the method of assessing and collecting the special assessments herein authorized; providing that the district shall have a lien upon all land assessed to secure payment of all special assessments levied hereunder, also a lien on crops grown thereon, and providing that the owner of such land shall be personally liable for all such assessments, and providing for interest at rate of ten per cent per annum on such assessments from date due until paid and for ten per cent additional as attorneys fees if suit is filed to collect same; repealing acts and parts of acts in conflict herewith; and declaring an emergency."

Read second time.

Senator Berkeley sent up the following amendments:

Amend S. B. No. 16 by inserting immediately after the words "Section XI." on page seven of said bill these words:

"As to such water control and improvement districts as are described, are conditioned, and have the characteristics set forth in Section I hereof, and none other."

BERKELEY.

Read and adopted.

Amend S. B. No. 16 by adding immediately after Section XI. a new section to be numbered Section XIa. and reading as follows:

"Section XIa. Nothing in this Act shall apply to, or in any manner affect any water control and improvement district other than such as are described in Section I. of this Act and possesses the characteristics set forth in said section of this Act."

BERKELEY.

Read and adopted.

The bill was passed to engrossment.

On motion of Senator Berkeley the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 16 was put on its third reading and final passage, by the following vote:

3—Jour.

Yeas—29.

Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Poage.
Gainer.	Pollard.
Greer.	Purl.
Hardin.	Rawlings.
Holbrook.	Russek.
Hopkins.	Small.
Hornsby.	Stevenson.
Loy.	Thomason.
Martin.	Williamson.
Moore.	Woodruff.
Neal.	Woodul.
Oneal.	

Absent—Excused.

Beck. Woodward.

Read third time and finally passed by the following vote:

Yeas—27.

Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
Gainer.	Poage.
Greer.	Pollard.
Hardin.	Rawlings.
Holbrook.	Russek.
Hopkins.	Small.
Hornsby.	Stevenson.
Loy.	Thomason.
Martin.	Williamson.
Moore.	Woodruff.
Neal.	Woodul.
Oneal.	

Nays—1.

DeBerry.

Absent.

Purl.

Absent—Excused.

Beck.

Woodward.

Senate Bill No. 18.

The Chair laid before the Senate by unanimous consent the following bill:

By Senator Woodruff:

S. B. No. 18, A bill to be entitled "An Act to facilitate the efforts of water control and improvement districts (having powers under Section 59 of Article xvi of the Constitution of Texas, controlling works self-liquidating in character, and being eligible for relief under the provi-

sions of the Act of Congress known as the "Emergency Relief and Construction Act of 1932") to procure loans from the Reconstruction Finance Corporation; or, from other sources without distinction as to the facilities being self-liquidating. Providing the manner in which such loans may be procured, how evidenced and how secured and paid. Also, declaring an emergency."

The rule requiring committee reports to lie over one day was suspended by unanimous consent.

The committee report that the bill be not printed was adopted.

Committee Amendments Nos. 1, 2 and 3 were adopted.

The bill was read second time and passed to engrossment.

On motion of Senator Woodruff the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 18 was put on its third reading and final passage, by the following vote:

Yeas—29.

Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Poage.
Gainer.	Pollard.
Greer.	Purl.
Hardin.	Rawlings.
Holbrook.	Russek.
Hopkins.	Small.
Hornsby.	Stevenson.
Loy.	Thomason.
Martin.	Williamson.
Moore.	Woodruff.
Neal.	Woodul.
Oneal.	

Absent—Excused.

Beck. Woodward.

Read third time and finally passed by the following vote:

Yeas—28.

Berkeley.	Neal.
Cousins.	Oneal.
Cunningham.	Parr.
Gainer.	Parrish.
Greer.	Patton.
Hardin.	Poage.
Holbrook.	Pollard.
Hopkins.	Purl.
Hornsby.	Rawlings.
Loy.	Russek.
Martin.	Small.
Moore.	Stevenson.

Thomason. Woodruff.
Williamson. Woodul.

Absent.

DeBerry.

Absent—Excused.

Beck. Woodward.

Messages From the Governor.

Executive Office,

Austin, Texas, Sept. 7, 1932.

To the Senate of the Forty-second Legislature.

Subject to your confirmation I have appointed Dr. Ed. Taylor of Greenville as a member of the Board of Dental Examiners to serve the unexpired term of Dr. Hearne, deceased.

I have also appointed Hon. R. A. Stuart of Fort Worth as a member of the Board of Directors of Texas Technological College to serve the unexpired term of Mrs. F. N. Drane, deceased.

Respectfully submitted,
R. S. STERLING,
Governor.

Executive Office,

Austin, Texas, Sept. 7, 1932.

To the Members of the Forty-second Legislature.

I hand you herewith for your consideration the attached bill captioned as follows:

An Act validating all the proceedings had and taken in the organization of conservation and reclamation districts organized under the provisions of Chapter 8, Title 128, Revised Statutes of 1925, and Chapter 6, Title 128, Revised Statutes of 1925, under Section 59, Article 16, of the Constitution of Texas; validating the manner in which taxes and assessments for taxation should or shall be made, levied and collected; validating the issuance of bonds of such districts and the appointment and qualification of officers and supervisors thereof; authorizing the submission of the several purposes for which bonds may be issued as a single proposition; and providing that bonds to be retired and refunded may have been issued by a navigation district embracing the same territory; and validating all bonds which have heretofore been voted as a single proposition for the several purposes au-

thorized herein when said bonds have been examined and approved by the Attorney General of the State of Texas; and declaring an emergency.

Respectfully submitted,
R. S. STERLING,
Governor.

Resolutions Signed.

The Chair, Lieutenant Governor Edgar E. Witt, gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read, the following resolutions:

H. J. R. No. 1.

H. C. R. No. 7.

Senate Bill No. 23.

The Chair laid before the Senate by unanimous consent the following bill:

By Senator Pollard:

S. B. No. 23, A bill to be entitled "An Act creating the Special District Court of Upshur county and Smith County, etc; and declaring an emergency."

The rule requiring committee reports to lie over one day was suspended by unanimous consent.

On motion of Senator Pollard the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 23 was put on its second reading by the following vote:

Yeas—29.

Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Poage.
Gainer.	Pollard.
Greer.	Purl.
Hardin.	Rawlings.
Holbrook.	Russek.
Hopkins.	Small.
Hornsby.	Stevenson.
Loy.	Thomason.
Martin.	Williamson.
Moore.	Woodruff.
Neal.	Woodul.
Oneal.	

Absent—Excused.

Beck. Woodward.

The committee report was adopted. The bill was read second time and passed to engrossment by the following vote:

Yeas—15.

Berkeley.	Parrish.
Cousins.	Patton.
Gainer.	Pollard.
Greer.	Small.
Martin.	Stevenson.
Moore.	Thomason.
Neal.	Woodul.
Parr.	

Nays—10.

Cunningham.	Oneal.
DeBerry.	Poage.
Holbrook.	Purl.
Hornsby.	Rawlings.
Loy.	Woodruff.

Absent.

Hardin.	Russek.
Hopkins.	Williamson.

Absent—Excused.

Beck. Woodward.

Adjournment.

On motion of Senator Poage, the Senate at 4:04 o'clock p. m., adjourned until 10 o'clock tomorrow morning.

APPENDIX.

Committee Reports.

Committee Room,
Austin, Texas, Sept. 7, 1932.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs to whom was referred

H. B. No. 26, A bill to be entitled, "An Act to prohibit the use of steel traps or any other mechanical device for the taking of fur-bearing animals in this State, providing a penalty and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass with committee amendments, and be not printed.

MOORE, Chairman.

Committee Amendment No. 1.

Strike out "Smith and Wood Counties."

Committee Amendment No. 2.

Amend H. B. No. 26, Section No. 1, by adding the following to last line, "* * * and excepting for the taking of Musk-rats, shall apply to Jefferson County."

Committee Amendment No. 3.

Amend H. B. No. 26, by adding "San Augustine and Sabine" Counties.

Committee Room,
Austin, Texas, Sept. 7, 1932.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs to whom was referred

H. B. No. 22, A bill to be entitled "An Act providing for a closed season in Glasscock county, upon quail, doves and pheasants, for a period of three (3) years; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass with committee amendments, and be not printed.

MOORE, Chairman.

Committee Amendment No. 1.

Amend H. B. No. 22 by adding thereto so as to include Kaufman County.

Committee Room,
Austin, Texas, Sept. 7, 1932.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs to whom was referred

H. B. No. 45, A bill to be entitled "An Act providing for an open season on squirrels in Polk, Trinity, Nacogdoches, Shelby and Kaufman counties; providing penalty; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass with committee amendments, and be not printed.

MOORE, Chairman.

Committee Amendment No. 1.

Amend Caption of H. B. No. 45, line 2, by adding after the word "Kaufman" "Jefferson."

Committee Amendment No. 2.

Amend H. B. No. 45, Section No. 1, add following at end of section, "And unlawful for anyone to hunt, take or kill any squirrel in Jefferson county, except during the months of June, July, November, December and January of each year."

Committee Amendment No. 3.

Amend H. B. No. 45, Section No. 2, line No. 3, add following after the word "December," "for the Counties of Polk, Trinity, Nacogdoches, Shelby and Kaufman, and June, July, November, December and January, for the County of Jefferson."

Committee Amendment No. 4.

Amend H. B. No. 45, to read "November, December and January," instead of "November" and "December."

Committee Room,
Austin, Texas, Sept. 7, 1932.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs to whom was referred

H. B. No. 35, A bill to be entitled "An Act regulating the taking of certain fur-bearing animals or their pelts for barter or sale in certain counties, and declaring them to be the property of the State; prescribing penalty for violation, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass with committee amendments, and be not printed.

MOORE, Chairman.

Committee Amendment No. 1.

Amend H. B. No. 35, by adding "San Augustine and Sabine" Counties.

Committee Room,
Austin, Texas, Sept. 7, 1932.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs to whom was referred

H. B. No. 34, A bill to be entitled "An Act repealing S. B. No. 56, Chapter 78, page 242, of the General and Special Laws passed at the

Fifth Called Session of the 41st Legislature of the State of Texas, 1930."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass with committee amendments, and be not printed.

MOORE, Chairman.

Committee Amendment No. 1.

Amend H. B. No. 34, by inserting in the proper place in the caption, the emergency clause.

Committee Room,

Austin, Texas, Sept. 7, 1932.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs to whom was referred

S. B. No. 19, A bill to be entitled "An Act repealing Section 16 of Chapter 37 of the Special Laws passed by the Thirty-sixth Legislature at its Third Called Session, the same being an act creating the Spearman Independent School District in Hansford county, said Section 16 relating to the beginning of the fiscal year in connection with the levying, assessing and collecting of taxes; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

MOORE, Chairman.

Committee Room,

Austin, Texas, Sept. 7, 1932.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 28, A bill to be entitled "An Act to repeal Chapter 80, of the General and Special Laws of the State of Texas, enacted in 1931; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

MOORE, Chairman.

Committee Room,

Austin, Texas, Sept. 7, 1932.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 39, A bill to be entitled "An Act providing for the open season on squirrels in Jasper and Newton Counties; providing a penalty; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

MOORE, Chairman.

Committee Room,

Austin, Texas, Sept. 7, 1932.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 21, A bill to be entitled "An Act amending Article 6954, Chapter 6, Title 121 of the Revised Civil Statutes of Texas, 1925, as amended in Chapter 245 of the Acts of the Regular Session of the Fortieth Legislature of Texas, as amended in Chapter 5, of the Acts of the Regular Session of the Forty-first Legislature of Texas, and as further amended in Chapter 71 of the Acts of the First Called Session of the Forty-first Legislature of Texas, the latter being H. B. No. 120, passed by the First Called Session of the Forty-first Legislature, and further amended in Chapter 8, of the Acts of the Third Called Session of the Forty-first Legislature, S. B. No. 22; and furthermore amended in Chapter 313 of the Acts of the Regular Session of the Forty-second Legislature, with reference to the mode of preventing horses and certain other animals from running at large in the counties named so as to include in said Article the County of Reagan; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

MOORE, Chairman.

Committee Room,

Austin, Texas, Sept. 7, 1932.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Judicial Districts, to whom was referred

S. B. No. 23, have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass and be not printed.

PATTON, Chairman.

Committee Room,
Austin, Texas, Sept. 7, 1932.
Hon. Edgar E. Witt, President of the
Senate.

Sir: We, your Committee on
Banking, to whom was referred

S. B. No. 9, A bill to be entitled
"An Act to amend Section 20, 27,
38, 44, 47 and 48 and to add a new
section thereto, to be known as Sec-
tion 21-a, of an Act entitled 'An
Act defining building and loan as-
sociations, providing for their incor-
poration and prescribing the terms,
conditions and regulations upon
which such companies may carry on
their business in Texas, providing
that shareholders shall not be dis-
qualified to take acknowledgements;
validating such previous acknowl-
edgements by shareholders; prescrib-
ing the terms and conditions upon
which foreign building and loan asso-
ciations may carry on their business
in Texas, prescribing penalties for
violation of the provisions of the Act,
repealing acts and parts of acts in
conflict herewith, and declaring an
emergency' enacted by the Second
Called Session of the Forty-first Leg-
islature of the State of Texas, and
being S. B. No. 111, Chapter 61, and
published at length in the General
Laws of the Second and Third Ses-
sions of the Forty-first Legislature
at pages 100 to 129; providing for
keeping secret facts regarding build-
ing and loan associations by certain
officers and employees; providing
that certain information may be
given to the Federal Home Loan
Bank Board; providing for the re-
organization of building and loan
associations; providing certain re-
strictions on building and loan as-
sociations taking, holding and con-
veying real estate; providing for the
investment of the funds of building
and loan associations; prescribing
the power of associations to borrow
money; providing for the withdrawal
of funds by investing stockholders in
building and loan associations; de-
fining the withdrawal value of shares
of stock in building and loan asso-
ciations; authorizing domestic build-
ing and loan associations to become
members of a Federal Home Loan
Bank; providing for domestic build-
ing and loan associations to receive
the benefits of the Federal Home
Loan Bank Act; and declaring an
emergency."

Have had the same under consid-
eration, and I am instructed to re-
port it back to the Senate with the
recommendation that it do pass with
four committee amendments and
that it be printed in bill form.

BERKELEY, Chairman.

Committee Amendment No. 1.

Amend S. B. No. 9, by striking
out all of paragraph 2, Section 6,
and inserting in lieu thereof the
following:

"Whenever the net receipts so
made applicable to listed withdraw-
als and maturities are not sufficient
to pay such requests so listed, the
Board of Directors may, from time
to time, fix maximum amounts to
be paid upon each application dur-
ing any one month; provided that
full payment may be made at any
time to members whose entire in-
terest in the association amounts to
not exceeding \$100.00; providing
further that the Board of Directors
may, from time to time, provide
that all listed requests for with-
drawals shall be paid out of funds
made available on a pro rata basis,
or, with the approval of the Com-
missioner of Banking may provide
that all funds available for with-
drawals shall be apportioned and
paid pro rata to all shareholders of
the association irrespective of the
order of filing."

Committee Amendment No. 2.

Amend S. B. No. 9, Section 1,
page 2, by inserting before the word
"but" in line one, on said page 2,
the following:

"Except that for good reason
same may be made public by the
Commissioners."

Committee Amendment No. 3.

Amend S. B. No. 9, Section 21-A,
page 2, by striking out the word
"ten" between the words "least"
and "days" and inserting in lieu
thereof the following word: "Fif-
teen."

Committee Amendment No. 4.

Amend S. B. No. 9, Section 21-A,
page 2, by striking out everything
in said Section down to and includ-
ing the words "affirmative vote" in
line 22 of the original Bill, and in-
serting in lieu thereof the following:

"Any building and loan association heretofore or hereafter organized under the laws of this State shall have the power in any special meeting called for that purpose, to reorganize the association and provide for the transaction of its future business under the provisions of this Act by a vote of two-thirds of the shares of the members of the association who vote at such meeting; and no such meeting shall be called for such purpose nor shall such plan be submitted to the shareholders unless and until the plan shall have first been approved and adopted by a majority of the directors of such association, called for the purpose of considering the adoption of such plan, notice of such meeting shall be given by mailing such notice from the home office of such association to each shareholder at least fifteen days prior to the date of such meeting in a sealed envelope, postage paid, addressed to the shareholder at the last known address, and such meeting shall be otherwise provided for and conducted as shall be provided in such plan; provided, however, that shareholders may vote in person, by proxy or by mail and that all votes shall be cast by ballot and the Banking Commissioner or any examiner, deputy, assistant deputy or clerk so designated by said Banking Commissioner, shall supervise and direct the method and procedure of said meeting and appoint adequate inspectors to conduct the voting of such meeting, who shall have power to determine all questions of the verification of the ballots, the ascertainment of the validity thereof, the qualification of the voter and the canvass of the vote and to certify to the Banking Commissioner and to the Association the result thereof and with respect thereto shall act under such rules and regulations as shall be prescribed by the Banking Commissioner; that all necessary expenses incurred by the Banking Commissioner shall be paid by the Association as certified to by him."

Committee Room,
Austin, Texas, Sept. 7, 1932.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Banking, to whom was referred

S. B. No. 8, A bill to be entitled "An Act authorizing and empowering building and loan associations, savings and loan associations, cooperative banks, homestead associations, insurance companies, and savings banks, organized or incorporated under the laws of the State of Texas, to subscribe for, and invest their funds in the stock of the Federal Home Loan Bank, of which it may be eligible to become a member, in compliance with the provisions of the Act of Congress known and cited as the Federal Home Loan Bank Act; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass with committee amendment, and be printed in the Journal.

RUSSEK, Chairman.

Committee Amendment.

Amend S. B. No. 8, by adding after the words "... insurance company," in Section 1, line three thereof the words "Fraternal Benefit Associations and Societies."

By Greer.

S. B. No. 8.

A BILL

To Be Entitled

An Act authorizing and empowering Building and Loan Associations, Savings and Loan Associations, Cooperative Banks, Homestead Associations, Insurance Companies, and Savings Banks, organized or incorporated under the laws of the State of Texas, to subscribe for, and invest their funds in the stock of the Federal Home Loan Bank, of which it may be eligible to become a member, in compliance with the provisions of the Act of Congress known and cited as the "Federal Home Loan Bank Act;" and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That any building and loan association, savings and loan association, cooperative bank, homestead association, insurance company, fraternal benefit association and societies or savings bank, now organized or hereafter to be organized, which is eligible to become a member of a Federal Home Loan

Bank, in compliance with the provisions of the Act of Congress known and cited as the "Federal Home Loan Bank Act" shall be and is hereby fully authorized and empowered to subscribe for the stock of the Home Loan Bank for the district in which it is located, and to invest its funds in such stock, for the purpose and to the extent required by the provisions of the Federal Home Loan Bank Act for the qualification of members therein.

Sec. 2. The fact that there is now no law authorizing the institutions named in Section 1, hereof to subscribe for or invest their funds in the stock of Federal Home Loan Banks, and that it is necessary that such institutions should be enabled with the least possible delay to become members of a Federal Home Loan Bank in order that the people of Texas may have the benefit and advantage of the provisions of said Act to enable them to finance and renew and extend loans on their homes, creates an emergency and an imperative public necessity demanding that the Constitutional Rule which requires all bills to be read on three several days in each House, be suspended, and the said Rule is hereby suspended, and this Act shall be in force and take effect from and after its passage, and it is so enacted.

Committee Room,
Austin, Texas, Sept. 6, 1932.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Mining, Irrigation and Drainage, to whom was referred

S. B. No. 17, A bill to be entitled "An Act to provide: (a) To confer on the State of Texas the right to appeal from awards made by commissioners to appraise damages, and/or judgments of courts, in condemnation proceeding; (b) Providing the conditions upon which the State may have the writ of possession pending final determination of proceedings in condemnation, and making adequate provision to protect the rights of private persons and their property concerning the prompt payment of the final awards in condemnation proceeding; (c) Making provision to the end that there may be clarity, dispatch, economy and effectiveness in the ad-

ministration of such of the State's business as requires the exercise of the power of eminent domain; (d) Providing for prior special deposits of money to be made to protect prompt payment of final judgments in condemnation, where the writ of possession is sought pending appeals, and fixing penalties for the violation of the terms of this Act which relate to special deposits; (e) Providing that the State shall not be required to give bond for appeal or bond for costs pending appeals in condemnation proceedings; (f) Conferring upon counties, cities and certain other of the political subdivisions of the State, which are distinct corporate governmental agencies, and which by the laws of their creation have the right to exercise the power of eminent domain, the same rights, duties and powers, and under the same conditions, as by this Act are provided for the State; (g) Repealing all parts of laws in conflict with this Act, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed in the Journal.

HORNSBY, Chairman.

By Woodruff.

S. B. No. 17.

A BILL

To Be Entitled

An Act to provide: (a) To confer on the State of Texas the right to appeal from awards made by commissioners to appraise damages, and, or, judgments of courts, in condemnation proceeding; (b) Providing the conditions upon which the State may have the writ of possession pending final determination of proceedings in condemnation, and making adequate provision to protect the right of private persons and their property concerning the prompt payment of final awards in condemnation proceeding; (c) Making provision to the end that there may be clarity, dispatch, economy and effectiveness in the administration of such of the State's business as requires the exercise of the power of eminent domain; (d) Providing for prior special deposits of money to be made to protect prompt payment of final judgments in condemnation, where the

writ of possession is sought pending appeals, and fixing penalties for the violation of the terms of this Act which relate to special deposits: (e) Providing that the State shall not be required to give bond for appeal or bond for costs pending appeals in condemnation proceedings: (f) Conferring upon counties, cities and certain other of the political subdivisions of the State, which are distinct corporate governmental agencies, and which by the laws of their creation have the right to exercise the power of eminent domain, the same rights, duties and powers, and under the same conditions, as by this Act are provided for the State: (g) Repealing all parts of laws in conflict with this Act, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. The State of Texas shall have the right to appeal from awards of special commissioners to assess damages in condemnation (to include other persons or bodies having like duties and powers,) and, or, from judgments in condemnation by any court of the State, the Supreme Court alone being excepted. In case the State desires to appeal from an award of damages, or a judgment for compensation, in any proceeding for condemnation, then the State, pending appeal by it or by the condemnnee, shall be entitled to the writ of possession; provided, however, that no such writ shall issue save upon compliance with these conditions, viz:

(a) The amount of the award made by the commissioners to appraise damages, or the amount of the judgment rendered by the trial court upon appeal (to be controlled by the time at which the writ of possession may be sought,) together with the amount of the costs, if any, which may have been awarded, or adjudged, against the condemnor, and to be ascertained as of the day on which the writ of possession may be sought, must actually be available to the condemnor in lawful money of the United States of America. The sum so ascertained and available to the condemnor shall be set apart in a special fund in the lawfully designated and qualified treasury or depository of the condemnor, where it must remain to

abide the final adjudication of such condemnation, and application to the satisfaction of such final decree, or to be paid to the condemnnee should he (or it) elect to receive such money in satisfaction of his (or its) demand at any time prior to such final adjudication, and such fund shall not be paid out for any other purpose. The record of the deposit and the conditions thereof shall be acknowledged in writing by the depository, and such certificate of deposit shall be filed with the clerk of the court of original jurisdiction as part of the record in the condemnation proceeding. Thereupon the clerk of said court shall certify his genuine official signature (or those of his qualified deputies) to such depository, and the depository may not pay vouchers drawn upon such special fund save upon written approval both by said clerk and the condemnnee. Until such special deposit has been made and certified to said clerk, as herein provided, the writ of possession shall not be issued. Whenever the judgment in condemnation becomes final, or should the condemnnee prior to final judgment elect to receive the amount of the award in satisfaction of his demand, it instantly shall be the duty of the clerk of the court and the depository to pay to the condemnnee the sum of the deposit (other than that to cover costs,) which may be done either with or without the consent of the condemnor. Any officer, or employee of the condemnor and, or, any officer or employee of such treasury or depository of the condemnor, and, or, the clerk of such court (or his deputy,) who knowingly permits such special fund to be paid out, in whole or in part, for any purpose, or in manner, other than as herein provided, shall be deemed to be guilty of a felony, and upon conviction he may be fined in any sum not to exceed five thousand (\$5,000.00) dollars, or he may be imprisoned in the penitentiary of Texas for a term not to exceed three years, and such punishment may include both such fine and such imprisonment. In any event the sureties on the bond of such miscreant, and, or, the bond or security of the offending depository, shall have responsibility to restore the misapplied or diverted deposit, provided the sum so re-

quired, together with other lawful charges against the bond, does not exceed the penal sum of the bond, or the security held in lieu of sureties.

Sec. 2. In case of an appeal by the State from a judgment in condemnation, no bond for appeal or bond for costs shall be required. In no event shall the State be required to give bond for appeal or bond for costs upon appeal in condemnation proceedings.

Sec. 3. Counties, cities and, without exception, all other political subdivisions of the State, they being corporate governmental agencies of the State now in being, or hereafter to be created, and having the right and duty to exercise the power of eminent domain (whether in the performance of a governmental function or in the exercise of lawful functions which are proprietary in character,) when lawfully exercising the power of eminent domain, each by proceedings in accordance with the law peculiar to its being, cumulatively may elect to exercise, and, in case of such election, they shall have the same rights and duties concerning appeals and making deposits to secure the prompt payment of awards of judgments in condemnation, and for issuance of the writ of possession in condemnation, upon the same conditions as are provided for the State in Section 1 and 2 of this Act.

Sec. 4. To the extent which any other statutory acts (either general or special) of this State, or the provisions of any ordinance of a city or town of the State, may conflict herewith, they hereby are repealed.

Sec. 5. The facts stated in Section 1 of this Act; the desire to produce uniformity, economy and clarity concerning the subject matter of this Act, and the close approach of the adjournment of this session of the Legislature, creates an emergency and imperative public necessity that this Act be in force with the least avoidable delay: Wherefore, this Legislature hereby suspends the rule relating to the printing of bills and likewise suspends the constitutional rule requiring that bills be read on three several days (as provided by Section 39 of Article III of the Constitution of Texas,) and this Act shall have full effect from the day upon which there

appear hereon the certifying signatures of the respective presiding officers of the two houses of this Legislature, subject only to the constitutional right of the Governor of Texas to veto this Act.

Statement of the facts constituting the reasons for the passage of the above designated proposed Act:

(a) The Constitution of Texas permits property to be taken for public use by the State, under the sovereign right of eminent domain, free from the requirement that prior to the taking, actual payment of compensation, or the deposit of money for security, must be made.

(b) Conformably to the Constitution of the United States of America and various acts of the Federal Congress, Article 5244 of the Revised Civil Statutes of Texas, Code of the year 1925, provides that the United States Government, in the exercise of its right of eminent domain, in Texas, and pending appeal, may take possession of private property under condemnation by depositing the amount of the award for compensation, together with the amount of the costs adjudged against it.

(c) By the provisions of Article 5240 of said Revised Civil Statutes, the State of Texas, in case of an award by commissioners to appraise damages in condemnation, is denied the right of appeal from such award.

(d) Under the present statutory provisions of Texas, the counties, and various other political subdivisions of the State, which are distinct corporate governmental agencies having the power of eminent domain, in case of the condemnation of private property, and as a condition precedent to the taking of possession of such property by them for public use, pending appeal, are required to deposit in court, in money, a sum equal to twice the amount of the award for compensation, and in case of appeal (except by counties,) to give bond for costs.

(e) Under the present state of the decision law, it is not certain that money deposited with county clerks, to comply with the law for deposits in condemnation proceedings, is such a public fund as would be protected against loss or default by the clerk or his depositary bank;

further, such deposit often exceeds the penal sum named in the official bond of such clerks, or the bond of his depository.

(f) Public improvements in the State of Texas, in much the greater part, require the taking of private property for public uses, and they are financed either by express legislative appropriation, or authorization; or, by bond issues authorized by electoral vote. Such legislative appropriations and such bond issues are based on preliminary investigations and estimates of the probable cost of the proposed improvements, and the authorization for the maximum permissible expenditures are fixed within such prior estimates. Such preliminary estimates include the probable cost of lands and the payment of damages to remainders of land where only part is required to be taken for public use. In many such undertakings there exists extreme necessity that the proposed improvements be completed and made ready for use, or be advanced to a state of completion which will enable material already in place to resist the destructive forces of nature, with the minimum of avoidable delay. In such works it must be contemplated that the same will be completed without incurring debts in excess of the authorization therefor.

(g) In many of such public undertakings the cost of land and damages to remainders of land where part only is required to be taken, constitute a very large proportion of the total cost of the improvements planned, estimated and authorized. Much of the property required must be obtained by means of condemnation, and in many cases the awards are deemed to be excessive to a degree making appeals necessary to effect prudent management. The present requirement that the State's said corporate governmental agencies, pending appeal in condemnation proceedings, and as a condition precedent to the issuance of the writ of possession, must deposit double the amount of such awards, often may result to force a suspension of partially completed works, or, alternately, the incurring of obligations by such agents of the State in sums exceeding the authorized cost of such improvements. This notwithstanding the fact that,

by appeal, the completed cost of the work probably will be proved to be within the preliminary estimates and the authorization based thereon.

The facts hereinbefore related create preventable confusion, uncertainty in, and impediments to, the effective, economical and orderly administration of the public business. By reason of these considerations, with a due and just regard of private rights, the proposed Act is designed to remove the existing avoidable obstructions to the administration of the public business.

Committee Room,

Austin, Texas, Sept. 7, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred S. B. No. 18, A bill to be entitled "An Act to facilitate the efforts of Water Control and Improvement Districts (having powers under Section 59 of Article XVI of the Constitution of Texas, controlling works self liquidating in character, and being eligible for relief under the provisions of the Act of Congress known as the 'Emergency Relief and Construction Act of 1932') to procure loans from the Reconstruction Finance Corporation; or, from other sources without distinction as to the facilities being self liquidating. Providing the manner in which such loans may be procured, how evidenced and how secured and paid. Also declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

SMALL, Vice-Chairman.

Committee Amendment No. 1.

It is moved that said Bill be amended by inserting in Line 7 of the Preamble of said Bill, immediately between the words 1932 and the bracket character the following: but intending to include herein only water control and improvement districts which have been, or which hereafter may be, established as "Municipal Districts," under the provisions of Section 18 of Chapter 280, Acts of the 41st Legislature, Regular Session.

Committee Amendment No. 2.

It is moved that said Bill be amended by striking out all of said Bill embraced in consecutive lines from 14 to 19, both inclusive, on Page One, and to substitute therefor the following:

Section 1. Water Control and improvement districts which heretofore have been, or which hereafter may be, established as "Municipal Districts" under the provisions of Section 18 of Chapter 280 of the Acts of the 41st Legislature of Texas, Regular Session, hereby are declared heretofore to have had, and subject to the limitations hereinafter specified, they hereby are established in the future to have, those certain powers which hereinafter will be defined: However, such powers may be exercised in manner, and only by such districts as are conditioned conformably to the specifications, hereinafter set forth, viz;

Committee Amendment No. 3.

It is moved that there be inserted immediately at the end of Section 5 of said Bill the following provision visibly: No prior or subsequent Act of the Legislature shall be held to alter, diminish or impair any provisions of this Act, save upon condition that there be specific repeal of one or more of the provisions of this Act.

Committee Room,

Austin, Texas Sept. 7, 1932.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

S. B. No. 22, A bill to be entitled "An Act to authorize the State Department of Education to pay out of the Rural Aid Appropriation for the school year of 1932-1933 an amount not to exceed fifty thousand dollars for the payment of unpaid claims for the school year of 1931-32 out of the Rural Aid Appropriation as provided in S. B. No. 263, 42nd Legislature, Regular Session, and providing for the reverting of any unused portion of said sum to the appropriation for the school year of 1932-33; repealing all laws in conflict herewith; and declaring an emergency."

Have had the same under con-

sideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed in the Journal.

NEAL, Chairman.

By Greer, Thomason. S. B. No. 22.

A BILL

To Be Entitled

An Act to authorize the State Department of Education to pay out of the Rural Aid Appropriation for the school year of 1932-33 an amount not to exceed fifty thousand dollars for the payment of unpaid claims for the school year of 1931-32 out of the rural aid appropriation as provided in Senate Bill No. 263, Forty-second Legislature, Regular Session and providing for the reverting of any unused portion of said sum to the appropriation for the school year of 1932-33; repealing all laws in conflict herewith and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section I. The State Department of Education is hereby authorized to spend an amount not to exceed fifty thousand dollars from the Rural Aid Appropriation for the school year of 1932-33 as provided in Senate Bill No. 263, Forty-second Legislature, Regular Session, subject to the rules and regulations of the State Board of Education for the payment of unpaid claims under Section 7 of said bill and for school transportation for the school year of 1931-32.

Sec. II. Providing that the money herein expended shall immediately be set aside to be used for the payment of unpaid transportation for the school year of 1931-32, and any unpaid claims under Section 7 of said bill.

Sec. III. Providing that any unused portion of said sum shall revert to the rural aid appropriation for the school year of 1932-33.

Sec. IV. All laws or parts of laws in conflict herewith are hereby repealed.

Sec. V. The fact that the funds allocated for the payment of Rural Aid claims for the school year of 1931-32 were exhausted before claims were paid, and that many rural schools in the state now have approved claims that are unpaid,

creates an emergency and imperative public necessity that the Constitu- tional rule requiring bills to be read on three several days be sus-	ended and the same is hereby sus- pended, and this act shall take effect and be in force from and after its passage, and it is so enacted.
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In Memory
of
Honorable Robert H. Connerly

SENATE SIMPLE RESOLUTION NO. 9.

Senator Holbrook sent up the following resolution:

WHEREAS, On August 7, A. D. 1932, it pleased Almighty God in his wisdom to remove from this sphere of activity the genial spirit and kindly soul of Robert H. Connerly of Austin, Texas; and,

WHEREAS, Through his services as Clerk of the Court of Civil Appeals of the Third Supreme Judicial District of Texas covering a period of forty years he had endeared himself in such a manner to the members of the bar of this State as to stamp himself as an institution rather than an individual with the legal profession; and,

WHEREAS, His work as a game conservationist and true sportsman will ever be remembered and appreciated by all lovers of nature and by his earnest endeavors in strengthening and upbuilding the character of all with whom he came in contact, stamped him a man of supreme worth in this State. Mr. Connerly was one of the earliest students of the University of Texas and through his associations formed in young manhood gained an acquaintance and formed tender ties which bound him closely to the students of that institution from the day of his entrance until he fell asleep in death.

It was the pleasure of the writer of this resolution to fish and hunt with him during childhood days and one of the happiest recollections that he now holds is to look back upon those days and view in memory the picture of a man who really loved nature in all its forms and beauties. His peaceful spirit is gone, but his life and his genial smile will be a benediction to all of those who knew and called him friend.

THEREFORE Be It Resolved by the Senate of Texas that we recognize in the passing of Mr. Connerly one of the finest citizens of this commonwealth and join with all his friends in extending to his family our heartfelt sorrow.

Resolved further that a copy of this resolution be printed on a special page of the Journal of the Senate and one copy sent to each member of Mr. Connerly's family.

HOLBROOK,
THOMASON,
BECK,
BERKELEY,
COUSINS,
CUNNINGHAM,
DEBERRY,
GAINER,
GREER,
HARDIN,
HOPKINS,

HORNSBY,
LOY,
MARTIN,
MOORE,
NEAL,
ONEAL,
PARR,
PARRISH,
PATTON,
POAGE,
POLLARD,

PURL,
RAWLINGS,
RUSSEK,
SMALL,
STEVENSON,
WILLIAMSON,
WOODRUFF,
WOODUL,
WOODWARD.

Read and adopted unanimously by a rising vote.